

Docket No.: 1349.1224

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Heung-sup JEONG, et al.

Serial No. 10/642,263

Group Art Unit: 2852

Confirmation No. 1512

Filed: August 18, 2003

Examiner: Ngo, Hoang X.

For: APPARATUS FOR DISCHARGING WASTE TONER

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance was forwarded in the Notice of Allowability mailed November 4, 2004.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

The Examiner characterizes certain features of various claims. However, the Examiner has not recited the appropriate language for the appropriate claims as pending and allowed in the application.

By way of example, the Examiner asserts that "none of the prior art of record teaches a waste toner housing comprising a shutter rotatably provided at a side of the housing to open and close the waste toner discharge port." Neither independent claims 15 or 16 recite that the shutter is rotatably provided at a side of the housing.

The foregoing is merely meant to be exemplary, and does not point out all of the discrepancies between the Examiner's Statement of Reasons for Allowance and the claimed features of the currently pending claims.

It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

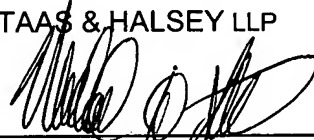
Respectfully submitted,

STAAS & HALSEY LLP

Date:

11/30/04

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